

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

LINDA McLAUGHLIN and husband,)	
DEAN McLAUGHLIN,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:06-CV-169
)	(GREER/SHIRLEY)
LOWE'S OF JOHNSON CITY, INC. and)	
LOWE'S HOME CENTERS, INC. d/b/a)	
LOWE'S HOME IMPROVEMENT)	
WAREHOUSE OF JOHNSON CITY #737,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This civil action is before the Court pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the referral of the Honorable J. Ronnie Greer, United States District Judge, for disposition of plaintiffs' Motion to Compel. [Doc. 18] On November 29, 2007, the parties appeared before the Court telephonically for a hearing on the instant motion. Attorneys Bradley Griffith and Charles Herndon were present on behalf of the plaintiffs, and attorney Clint Woodfin was present on behalf of the defendants. During the hearing, the parties advised the Court that on November 30, 2007, they would be conducting a deposition of a Lowe's employee who might be able to shed some light on a number of the discovery issues raised in the motion.

The Court directed defense counsel to contact his clients and to determine whether the outstanding discovery sought by plaintiffs could be expedited. The Court further directed the parties to inform chambers as to the status of the dispute after the deposition. On November 30,

2007, the parties informed chambers telephonically that the discovery dispute had been resolved. Accordingly, the plaintiffs' motion [Doc. 18] is hereby **DENIED as moot**. Additionally, should any further discovery disputes arise during the pendency of this matter, the parties are **DIRECTED** to first meet and confer with the opposing party in an attempt to resolve the dispute. Should such a meeting fail to resolve the dispute, the parties are further **DIRECTED** to contact chambers to schedule a telephone conference in an attempt to informally resolve the dispute. If such a dispute has not be resolved after a telephone conference with the undersigned, the parties may file a formal motion at that time.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge